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7 CONTRA COSTA MEDICAL SERVICES
REGIONAL MEDICAL CENTER
8

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12 Attorney for plaintiff
13 C. ROBERT PETTIT, M.D.
14

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18
19 C. ROBERT PETTIT, M.D.,

20 Plaintiff

21 v.

22 CONTRA COSTA MEDICAL SERVICES
REGIONAL MEDICAL CENTER and
23 DOES ONE THROUGH TWENTY,
Inclusive,

24 Defendants.
25

No. 3:07-cv-03358 JSW

JOINT CASE MANAGEMENT
CONFERENCE STATEMENT

26 1. JURISDICTION AND SERVICE

27 Jurisdiction is conferred as plaintiff has asserted a claim of age discrimination in
28 violation of 29 U.S.C. 621, et seq (ADEA). Both plaintiff and defendant are alleged to be
residents of the district served by the court. All named parties have been served and have

1 appeared.

2 2. FACTS

3 Plaintiff C. Robert Pettit, M.D. entered into a contract for service with Defendant
4 Contra Costa County. Dr. Pettit was to perform medical services for patients of Contra Costa
5 County, and was, until terminated, paid for these services. Dr. Pettit's contract was terminated
6 by Contra Costa county; Plaintiff alleges the termination did not comply with the terms of the
7 contract. Dr. Pettit contends the contract was wrongfully terminated as a result of his
8 "whistleblowing" activities, in violation of public policy, and as a result of age discrimination.
9 Defendant denies these allegations and alleges the contract was terminated according to the
10 contract terms.

11 3. LEGAL ISSUES

12 Legal issues include whether plaintiff can meet his burden of proof to show protection
13 under the whistleblowing statute (state and federal); whether plaintiff can prove, and defendant
14 can rebut, a prima facie case of age discrimination; whether plaintiff can prove a case for
15 public policy violation; and whether plaintiff can show a violation of the implied covenant of
16 good faith and fair dealing or a breach of contract

17 4. MOTIONS

18 There are no motions currently pending. Defendant anticipates filing a motion for
19 summary judgment or partial summary judgment

20 5. AMENDMENT OF PLEADINGS

21 No amendments are currently anticipated.

22 6. EVIDENCE PRESERVATION.

23 Defendants and Plaintiff have taken steps to preserve evidence.

24 7. DISCLOSURES

25 The parties are in the process of preparing and exchanging Initial Disclosures, pursuant
26 to Fed. R. Civ. P. 26 and have met and conferred on the subject..

27 8. DISCOVERY

28 No discovery has been commenced. The parties propose discovery limits per Federal
Ruled of Civil Procedure. Non-expert discovery to be completed by March 7, 2008. Expert

1 discovery to be completed by July 1, 2008.

2 9. CLASS ACTIONS

3 Not applicable.

4 10. RELATE CASES

5 Not applicable.

6 11. RELIEF

7 Plaintiff seeks reinstatement; contract and compensatory damages (back pay and front
8 pay) in the amount of \$335,250; general damages in the amount of \$200,00; punitive damages
9 in an amount according to proof, and attorney fees and costs in the amount of \$100,000.

10 12. SETTLEMENT AND ADR

11 The parties have agreed to pursue ADR in the form of mediation through the Court's
12 mediation program. The parties agree they would benefit from taking a preliminary
13 deposition of plaintiff prior to ADR. The Court has assigned this case to mediation which
14 should be completed by the end of 2007.

15 13. CONSENT TO MAGISTRATE JUDGE

16 The parties do not consent to magistrate judge for all purposes, and have filed
17 appropriate declination of magistrate documentation. The Court has reassigned the case to the
18 Honorable JEFFREY S. WHITE.

19 14. OTHER REFERENCES

20 No other reference appear appropriate at this time.

21 15. NARROWING OF ISSUES

22 None appears appropriate at this time.

23 16. EXPEDITED SCHEDULE

24 An expedited schedule does not appear appropriate at this time.

25 17. SCHEDULING

26 Proposed Expert Disclosure: May 16, 2008

27 Proposed Expert Discovery Cutoff: July 1, 2008

28 Proposed hearing date for dispositive motions: April 16, 2008

Proposed Pretrial conference date: June 11, 2008

1 Proposed Trial Date: August 11, 2008

2 18. TRIAL

3 The parties request a jury trial, and anticipate it will consume 5 to 7 court days.

4 19. DISCLOSURE ON NON-PARTY INTERESTED ENTITIES OR PERSONS


5 None.


6 20. OTHER MATTERS

7 None.

8
9 DATED: October 15, 2007

SILVANO B. MARCHESI
COUNTY COUNSEL

10
11
12 By: 
13 JANET L. HOLMES
14 Deputy County Counsel
15 Attorneys for Defendant
16 CONTRA COSTA MEDICAL
17 SERVICES REGIONAL MEDICAL
18 CENTER

19 By:  Rand L. Stephens
20 RAND L. STEPHENS
21 Attorney for Plaintiff,
22 C. ROBERT PETTIT
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o=LAW OFFICES OF RAND
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1 Proposed Trial Date: August 11, 2008

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